

ARW:lrc

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

COREY JAMES BENJAMIN

## CRIMINAL COMPLAINT

Case Number:

11mj 332 JB

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about 7/24/2011, in Mille Lacs County, in the State and District of Minnesota, defendant(s)

Corey James Benjamin (d.o.b. 10/14/1988), having previously been convicted of multiple crimes punishable by imprisonment for a term exceeding one year, did possess a firearm in or affecting interstate or foreign commerce.

in violation of Title 18, United States Code, Section(s) 922(g)(1).

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

## CERTIFIED COPY

I hereby certify that this instrument is a true and correct copy of the electronically filed original.

ATTEST:

ROBERT ANSLEY, CLERK

United States District Court

District of North Dakota

By

Deah Rueland-Foster

Deputy Clerk

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

August 15, 2011

Date

Karen K. Klein

UNITED STATES MAGISTRATE JUDGE

Name &amp; Title of Judicial Officer

Signature of Complainant

Russ Traurig

ATF

Fargo, ND

City and State

Signature of Judicial Officer

SCANNED

AUG 15 2011

U.S. DISTRICT COURT ST. PAUL

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA

Magistrate no.

1. Your affiant is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives and has been so employed with that agency for approximately thirteen years as a Special Agent, seven years as a United States Secret Service Agent, and three years as a Military police officer. Your Affiant has investigated violations of Federal Law as a law enforcement officer for approximately 20 years and has been involved in numerous cases related to violations of the Federal Firearms and Narcotics Laws. These Laws include 21 USC SECTION 841 (A) (1) Distribution of a Controlled Substance, 21 USC SECTION 846 Conspiracy to Distribute Controlled Substances, 18 USC SECTION 924 (c) use of a firearm during or in relation to a crime of violence or drug trafficking crime, and other federal firearms and narcotics laws. In the course of this investigation, your affiant has conferred with other law enforcement officers and reviewed reports and documentation that assisted him in providing the following details. Your affiant has also interviewed and received information from

cooperating defendants, sources, and informants. Your affiant works on the Headwaters Safe Trails Task Force that includes Law Enforcement Agents from a variety of agencies including the FBI, ATF, BIA, BCA, the Paul Bunyan Drug Task Force and other local agencies.

2. On July 24<sup>th</sup>, 2011 in the early morning hours, the Mille Lacs Tribal Police were called to Ojibwe Drive in Mille Lacs County, Minnesota, on the report of shots fired. Upon arrival, officers spoke to a witness who told them that the shooter had fled to a residence at 16642 Ojibwe Drive. Shortly after the responding officer arriving at that residence, COREY JAMES BENJAMIN (hereinafter "BENJAMIN") and two other males exited the residence. The officer initially detained these males but BENJAMIN was able to flee the responding officer and escape back inside the residence. The responding officer heard crashing noises behind the residence at which time officers who had arrived to assist were able to locate BENJAMIN in nearby woods. BENJAMIN was dressed in a black shirt and red and white plaid shorts.

3. Witnesses told law enforcement that a male wearing a

black shirt and red and white plaid shorts fired a handgun after arguing with another individual at the call location. During the argument, witnesses described actions of the shooter as yelling "Native Mob", then discharging the firearm. Officers at the scene located several spent 9mm shell casings in the area where the shooter was observed discharging the handgun. Officers searched the area for the firearm but were not able to locate one.

4. Witnesses interviewed have indicated that earlier in the evening BENJAMIN was observed in possession of a black semi-automatic handgun, and that he appeared to be intoxicated.
5. Following his arrest, BENJAMIN was interviewed post-Miranda by an investigator from the Mille Lacs Tribal PD. BENJAMIN admitted that he is a member of the Native Mob criminal street gang and that he was in possession of the firearm which he described as a black 9mm Hi-Point. BENJAMIN admitted that he discarded the gun in the woods during the evening he was arrested.

6. Your affiant has consulted with an interstate nexus expert employed by the B.A.T.F. This individual has informed your affiant that Hi-Point 9mm firearms are not manufactured within the State of Minnesota, thus, the firearm in BENJAMIN's possession had traveled in interstate commerce prior to July 23, 2011.

7. Your affiant has conducted checks into BENJAMIN's criminal history. BENJAMIN has been convicted of felonies (crime punishable by more than one year imprisonment) to include:

2009 Mille Lacs Co. - Felony Domestic Assault

2008 Mille Lacs Co. - Felony Domestic Assault

2008 Mille Lacs Co. - Burglary in the 3<sup>rd</sup> Degree

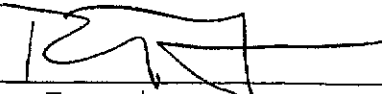
2005 Mille Lacs Co. - Assault, 2<sup>nd</sup> Degree, Dang. Weapon

Based upon this conviction history, BENJAMIN is prohibited from possessing a firearm.

8. Based on the above facts, and on my training and experience I have probable cause to believe that the foregoing facts establish that the defendant, COREY JAMES BENJAMIN, possessed a firearm on or about July

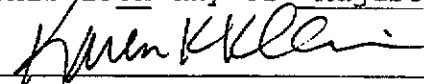
24th, 2011, in the District of Minnesota, in violation  
of Title 18 U.S.C. Section 922(g)(1).

Further your Affiant sayeth not.

  
\_\_\_\_\_  
Russ Traurig  
Special Agent, BATFE

SUBSCRIBED and SWORN to before me

this 15th day of August, 2011.

  
\_\_\_\_\_  
Magistrate Judge